

FISCAL NOTE

HB 3362 - SB 3267

March 15, 2004

SUMMARY OF BILL: Excludes from the requirements of the Sentencing Act of 1985 any bill that is estimated to result in three or fewer additional offenders per year entering the correctional system or serving longer sentences. The Sentencing Act of 1985 requires an appropriation from recurring revenues for the estimated cost for any law enacted that results in a net increase in periods of imprisonment. The amount appropriated is based upon operating costs to house an inmate per day, in current dollars, of the highest of the next 10 years. Funds appropriated to the Sentencing Act Fund are earmarked for capital maintenance and capital construction projects for state correctional facilities. Legislation that results in an increase in periods of imprisonment and an increase in state expenditures will still require a recurring appropriation based upon first year cost; however, such appropriation will be to the General Fund rather than the Sentencing Act Fund. Funds that are needed for capital maintenance and construction of correctional facilities that are not available in the Sentencing Act Fund will have to be appropriated from the General Fund.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact - Reduces appropriations to the Sentencing Act Fund for offenses that would be exempted from the funding requirements of current law. Any first-year incarceration costs would be appropriated to the General Fund.

For informational purposes, the cost of incarceration of a Class E felony is \$5,000 per year.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White".

James W. White, Executive Director

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